

**Amendments to the Drawings:**

Kindly replace the drawings on record with the attached set of formal drawings depicting Figs. 1-7. Approval by the Examiner is respectfully requested.

Attachment: Replacement FIGURES 1-7

### **REMARKS**

Review and reconsideration of the application in view of Applicants' amendments and remarks are respectfully requested. The specification is amended to correct a previous typographical error, and formal drawings are submitted. No new matter is added. Claims 2-13, 15-18 and 24-34 are pending. There are no amendments to the claims.

Consideration of the amendments and remarks after final is proper under 37 C.F.R. §1.116 because 1) the amendment to the specification does not add new matter; 2) there are no amendments to the claims, thus no further search or consideration are required; 3) the remarks address rejections first raised in the 01 November 2006 Office Action; and 4) the remarks place the application in condition for allowance, or at least in better condition for appeal, should an appeal be necessary. Entry and consideration of the amendment and remarks are thus respectfully solicited.

The specification is amended to correct a clerical error in the last amendment, whereby the paragraph beginning at page 6, line 27, was inadvertently removed. It was intended to replace the second occurrence of the word "green" at page 6, line 32, of the original specification with the word "blue," thereby correcting a typographical error in the original specification. The amendment as set forth on page 2 herein is identical to the original paragraph starting at page 6, line 27, of the application, except for correction of the second occurrence of the word "green" at line 32 to the word "blue."

The Examiner has rejected the drawing of Figure 1 as unclear. Applicants believe the formal drawing of Figure 1 submitted herewith clarifies the drawing, making the rejection moot. Formal drawings for the remaining figures are also submitted herewith. Approval and entry of all Figures is respectfully requested.

Claims 2-11, 13, 15, 16, 18, 24-26, 28, and 30-34, as well as claim 27 (argued but not listed), are rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,530,759 to Braudaway et al. in view of U.S. Patent No. 6,304,345 to Patton et al. Claims 12, 17 and 29 are rejected under 35 U.S.C. 103(a) over Braudaway et al. in

view of Patton et al. and further in view of U.S. Patent No. 6,563,542 to Hatakenaka et al. Applicants traverse each of the rejections for at least the following reasons.

Applicants note that the primary reference of Braudaway et al., and the combination of Braudaway et al. and the tertiary reference of Hatakenaka et al., were applied in the first Office Action of 12 October 2005 and overcome by incorporating allowable subject matter into the independent claims.

As indicated in Applicants' response of 07 August 2006, Braudaway et al. relates to the watermarking of images with a visible watermark that is readily apparent to a viewer in order to discourage unauthorized use of the image. The watermark is clearly visible such that copying of the image would clearly reproduce the watermark, and viewing of the image is marred by the effect of the watermark. This teaches away from the claimed invention wherein the information provided on the image is visible but not obtrusive. As admitted by the Examiner in the 12 October 2005 Office Action, Braudaway et al. does not disclose or suggest "optimum location for said human visible information based on a spatial analysis of said image."

Patton et al. is directed to a method of encoding data on a hardcopy image print regarding the original colorimetric values of the print. Such data is either provided in the margins of the print outside the viewable area, or on the print itself in such a manner as to be invisible to the viewer. For example, col. 4, lines 50-53 state: "In the preferred embodiment, informational data 14 is provided on the print in the area of the image 12 in a manner that is visually indistinguishable from the image 12" (emphasis added). The added data is not visible to a person viewing the print. As stated at col. 5, lines 1-2, the informational data is printed on the image in a form readable by a digital scanner. The purpose is to allow recreation of the print exactly as originally printed, even when colors of the first print have faded. This teaches away from the claimed invention, wherein the information added to the print is visible but not obtrusive.

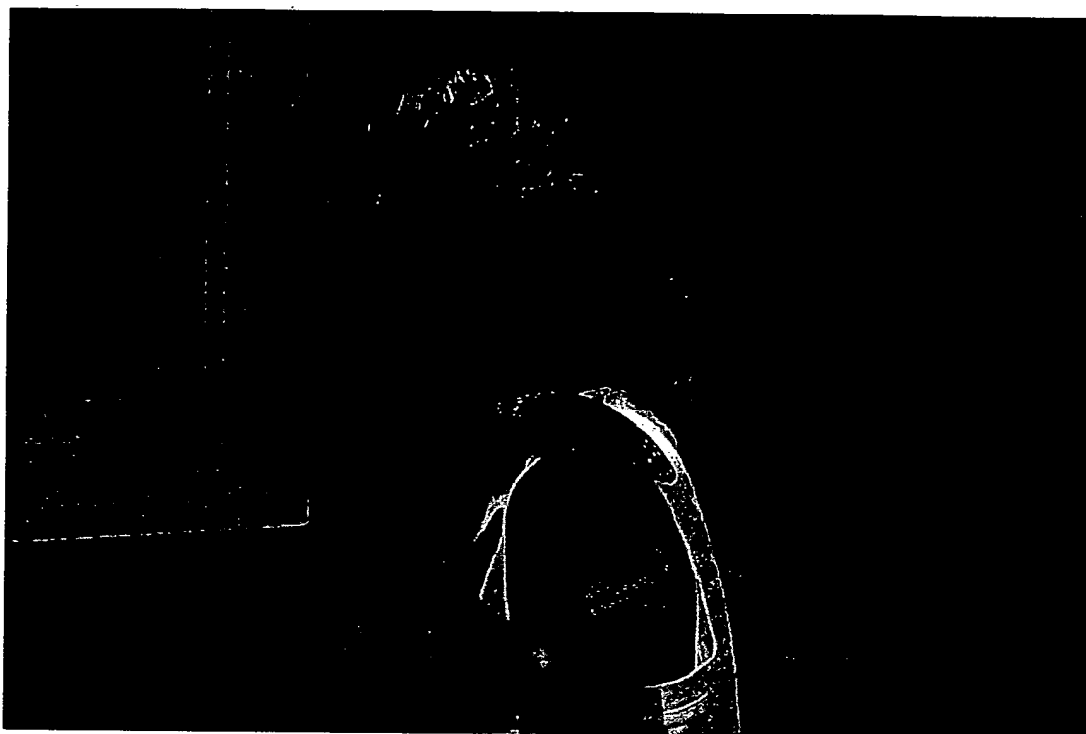
Further, Patton et al. does not cure the other noted deficiency of Braudaway et al., because Patton et al. does not disclose or suggest "optimum location for said human visible information based on a spatial analysis of said image." As stated above, Patton et al. provides data that is "visually indistinguishable from the image," so location of the data on the image is not material. The only location referred to in Patton et al. is the location of an area in the image from which the

recorded colorimetric data is taken in order to provide for accurate reprints. Such location is recorded with the colorimetric data on the print. See col. 5, lines 20-33. It is stated at col. 9, lines 21-24, that the colorimetric information “may be encoded in a non-pictorial image area,” emphasis added. Recordation of the information in this area is not required. Again, because the data is indistinguishable from the image, there is no reason to limit the placement of data on the image. A review of the “SUMMARY OF THE INVENTION” in cols. 2-4 discloses recitations of embodiments wherein the location of the information indistinguishable from the image is not limited in placement on the image. Thus, Patton et al. does not cure the deficiencies of Braudaway et al. with regard to the visibility of the information, or the location of the information on the image.

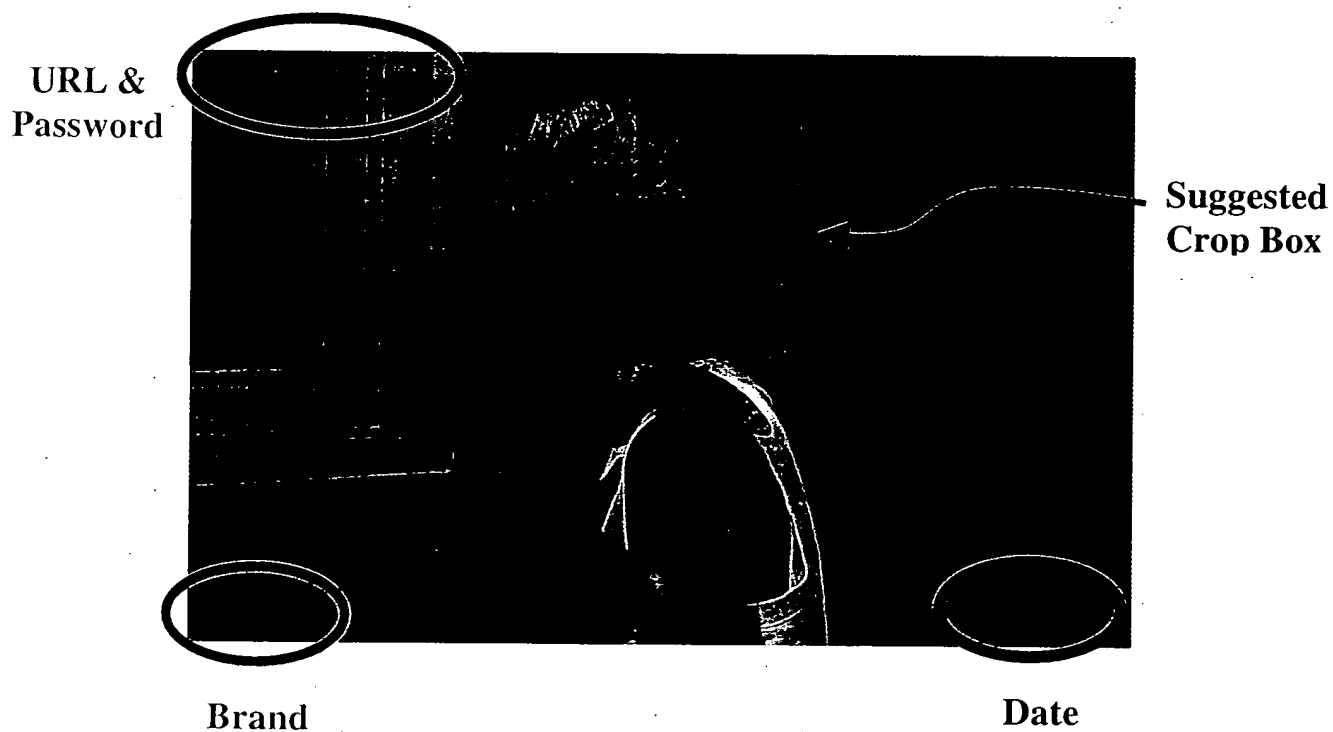
Hatakenaka et al. does not overcome the deficiencies of Braudaway et al. alone or in combination with Patton et al. As admitted by the Examiner in the 12 October 2005 Office Action, Hatakenaka et al. does not disclose or suggest “optimum location for said human visible information based on a spatial analysis of said image.” Further, Hatakenaka et al. is directed to a digital camera with a switch enabling placement of information, such as a date and time of taking a given photograph, onto the photograph to be visible on printing. The information is either preserved on the photograph or not. If present, the information is clearly visible to the viewer, thus teaching away from Applicants’ claimed invention.

As set forth above, none of the references, alone or in combination, disclose or suggest determining an optimum location for human visible information based on a spatial analysis of the image, nor do any of the references, alone or in any combination, disclose or suggest information that is visible but not obtrusive. Both Braudaway et al. and Hatakenaka et al. provide clearly visible information on the image, while Patton et al. provides information on the image in such a manner as to not be distinguishable from the image.

Applicants claim providing information wherein the “human visible information is not obtrusive.” Applicants herein provide a visual example of such information in an image. Below is an original image without information.



Below is the same image with information added per the invention, as indicated by the arrows.



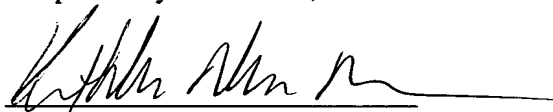
As can be seen by study of the second image, on a casual glance, the information is difficult to see. However, it is readily visible and readable once pointed out. The

information is incorporated into the image in an unobtrusive manner such that a person knowing of its presence will see it, contrary to Patton et al., but the information provided by Applicants' inventive method does not hinder or impair viewing and enjoyment of the image, in contrast to Braudaway et al. and Hatakenaka et al. For at least the above reasons, reconsideration and withdrawal of the rejections of all claims are in order and are respectfully requested.

All of claims 2-13, 15-18, and 24-34 being in condition for allowance for at least the above reasons, reconsideration and prompt action in the form of a Notice of Allowance are respectfully solicited.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kathleen Neuner Manne', is written over a horizontal line.

Attorney for Applicant(s)  
Registration No. 40,101

Kathleen Neuner Manne/kjw  
Rochester, NY 14650  
Telephone: 585-722-9225  
Facsimile: 585-477-1148

**If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.**